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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,749	11/03/2003	Loren D. Mock	A10019 1010.1 (24.9)	4254
30166	7590	06/26/2006	EXAMINER	
WOMBLE CARLYLE SANDRIDGE & RICE PLLC			JOHNSON, BLAIR M	
300 N. GREENE STREET			ART UNIT	
SUITE 1900			PAPER NUMBER	
GREENSBORO, NC 27401			3634	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,749

Applicant(s)

MOCK, LOREN D.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

Claims 1-7 and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 34, "consisting essentially" renders the claim vague and indefinite. In claim 34, "not more than two intersecting surface portions" is indefinite. The word "portions" does not define surfaces that are separate from each other in size, form, plane, etc., i.e. a table top may have several surface "portions". It is believed that it is intended to recite that only two portions defined by respective planes intersect. Claim 36 recites diagonal elements that are continuous from one panel to the next. However, such is not disclosed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-29 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leist et al '255 in view of Forsland 6,446,695.

Forsland discloses a multipaneled garage door which simulates double doors. While Leist et al does not simulate typical doors as presently disclosed, i.e. with diagonal portions, tongue and groove, etc., he is clearly concerned with decorative appearances. Consequently, it would have been obvious to modify Leist et al whereby

he provides his door with the appearance of the Forsland doors. Modifications of the appearances taught by Forsland would also have been obvious since such is the subject of design choice based purely on aesthetics. Also note the presence of grooves 47A (disclosed but not shown in the drawings of Forsland, see element 47) to distinguish one door from the other, which also may be applied to Leist et al for aesthetic reasons. Claims 34-36 are met as best understood in light of the indefiniteness discussed above.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leist et al '255 in view of Forsland 6,446,695, as applied above, and further in view of Jella '085. The use of three panels instead of four is taught and discussed by Jella. In view of this discussion in Jella, it would have been obvious to modify Leist et al to have three panels instead of four.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant's declaration under 37 CFR 1.132 has been considered. However, as discussed above, the recited features are largely aesthetic and therefore subject to obviousness based on design choices. The statements of commercial success and prompt copying are not accompanied by any evidence that such was the result of the present invention and not increase marketing, etc. While Forsland uses wood products to create his appearance, this reference is used solely to suggest a desired appearance which is applied to Leist et al. The newly recited vertical grooves are taught by Forsland, as discussed above.

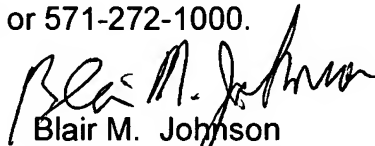
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634